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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,883	04/17/2004	Jean Qiu	NXL-001	8609

32836 7590 08/08/2006

GUERIN & RODRIGUEZ, LLP
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MARLBOROUGH, MA 01752

EXAMINER

BEISNER, WILLIAM H

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/825,883

Applicant(s)

QIU, JEAN

Examiner

William H. Beisner

Art Unit

1744

All participants (applicant, applicant's representative, PTO personnel):

(1) William H. Beisner.

(3) _____.

(2) William G. Guerin.

(4) _____.

Date of Interview: 01 August 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☒ No.

If Yes, brief description: English Language translation of DE 199 52 139.

Claim(s) discussed: All pending claims.

Identification of prior art discussed: DE 199 52 139.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Guerin argued that claim 14 defined over DE 1999 52 139 because film of the German reference is positioned on the backside of the slide and because the slide and film of the German reference do not define a volume for holding a liquid as is required of the supporting component and film of claim 14. The Examiner will further consider these arguments upon filing a response to the outstanding office action. It was also agreed that Mr. Guerin will consider filing amendments and/or related comments considering non-obviousness of using a film as disclosed by the German reference within a culture dish or microwell device .

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Guerin & Rodriguez, LLP

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TELECOPY COVER SHEET

EQUIPMENT OPERATOR CONTACT NUMBER: 508-303-3373. PLEASE CALL IF YOU DO NOT RECEIVE ALL THE PAGES.

TO: WILLIAM H. BEISNER
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VA 22313-1450

Telephone: (571) 272-1269

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FROM: Sender Name: William G. Guerin (Reg. No. 41,047)

Number of Pages INCLUDING This Cover Sheet: 6

RE: UNOFFICIAL COMMUNICATION

Application Serial No.: 10/825,883
Attorney Docket No. NXL-001

COMMENTS: English translation of DE19952139 is attached. To be discussed during telephone interview scheduled for 10:00 am, Tuesday, August 1, 2006.

This facsimile is subject to attorney-client privilege and contains confidential information intended only for the person(s) named above. If you have received this facsimile in error, please notify us immediately by telephone and destroy the original transmission without making a copy.

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Abstract

The invention relates to a transparent object carrier for use in optical microscopy, comprising a carrier side for the object to be observed microscopically and a visible linear grid for examining the latter. According to the invention, the linear grid is configured on a film that is applied to the side of the object carrier opposite to the object side.

Description of DE19952139

The invention relates to a transparent object carrier for optical microscopy, with a carrier side for the microscopy object and a visible linear grid for comparison.

The object carrier is to be used particularly for the microscopic examination of biological objects.

In connection with counting chambers for microscopic counting of cellular elements, glass carrier slides are known as object carriers and are provided with a linear grid. The lines are formed directly in or on the glass material. Observations and measurements must be conducted under sterile conditions.

A glass covering plate for an object carrier is known from US 5,349,436. Using a laser process a linear grid is etched directly on the glass material on the side facing the object carrier.

An object carrier for optical microscopy is known from DE 41 32 379 C2 whereby a linear grid is stretched between two plates so as to be waterproof against fluids.

And finally, DE 37 38 982 C2 describes a microscopy object carrier that includes grid recesses sealed by a self-adhering film.

It is the task of this invention to provide a new object carrier for microscopic examinations that may be manufactured with less expense than known object carriers.

The object carrier solving this task is characterized in that the linear grid is formed on a film mounted on the side of the object carrier facing away from the object side.

Based on this invention solution, an object carrier with a linear grid may be produced simply and directly at the microscopy location. Such an efficient object carrier with a linear grid may thus be advantageously produced in that it may be used as a coordinate field. For example, for long-term, repeated observations of a cellular culture, repeated positioning of the cellular culture onto the object carrier, i.e., the positioning within the field of view of the microscope, would be simplified. The foil mounted on the side of the object carrier facing away from the microscopy object need not be sterile.

In a preferred implementation of the invention, the film adheres to the object carrier by means of friction and/or an electrostatic charge, or is adhered to the object carrier whereby preferably an adhesive is used to moisten both the object carrier slide and the film completely to avoid the formation of smears. The film is preferably a plastic film that is transparent and that allows both top lighting and inverted microscopy.

In another advantageous embodiment of the invention, the film may be a self-adhering film, particularly one that may be separated from a film carrier base. Such a multi-layer film may advantageously be stored long-term, and may be processed at low expense as required.

It is useful for the film to be removed from a film supply roll whereby the film is then cut from the roll. It would be further conceivable for the film to be torn off the roll using a perforation.

In another embodiment of the invention, the film may be formed of several layers, and may possess a protective layer for the side of the object carrier facing away from the object that is removable from the rest of the film. In such case, the film may be easily handled during attachment to the object carrier slide.

Any contamination from fingerprints that might interfere with microscopic examination may be easily removed by removing the outer film.

In another advantageous embodiment of the invention, the film and the object carrier are matched based on their thermal coefficients. Deformations of the film with respect to the carrier slide, e.g., from warming from an irradiation device, that might lead to smear formation are thus avoided.

The object carrier may be a conventional rectangular glass slide as used as an object carrier. Object carriers may, of course, be formed of any vessel containing the microscopy object.

Materials for the object carrier may be glass or plastic, for example.

The object carrier should be a pre-weighed product. Because of the creation of the linear grid at low expense, there is no economic reason for multiple use.

The invention will be described in greater detail using an embodiment example and illustrations referring to it, which show:

- Figure 1 schematic view of a microscopy device based on the invention;
- Figure 2 an object carrier used in the microscopy device per Figure 1 that is attached to a film based on the invention;
- Figure 3 film provided in the microscopy device per Figure 1 for attachment to the object carrier; and
- Figure 4 top view of a cutout section of the film from Figure 3.

A schematically represented lens of a microscope 1 possesses an optical axis 2. The microscope lens 1 magnifies microscopic objects 4 positioned on an object carrier 3, e.g., cellular cultures.

The object carrier 3 in the illustrated embodiment example involves a thin glass slide as is conventionally used in illuminated microscopes.

A film 7 onto which a coordinate grid 8 has been printed is adhered, as arrows 5 and 6 show, to the object carrier on the side of the object carrier 3 facing away from the object being examined. An adhesive is used to attach the film 7 made of transparent plastic to the object carrier 3 that uniformly moistens both the object carrier 3 and the film 7 so that smear formation distorting the optical image of the object and of the coordinate grid is avoided. The film 7 adhered to the object carrier 3 is self-adhering, and is removed from a film carrier 9 shown in Figure 3 before attachment to the object carrier 3.

The partial piece of film carrier 9 and film 7 shown in Figure 3 may be unrolled from a supply roll on which individual sections are separated by means of perforations, and from which they may be torn.

As Figure 4 shows, the coordinate grid imprinted on the film 7 includes large square fields marked with digits and small letters, and small square fields marked with digits and capital letters. Both the small and the large fields are square. In the illustrated embodiment example, the length of a side of the large fields is 10 mm, and the length of a side of the small fields is 1 mm. The section shown in Figure 4 approximately corresponds to the object field formed by the imaging device 2. The coordinate grid thus allows a targeted search for an examination object located at a random location on the object carrier if its coordinates are known.

Claims of DE19952139

1. Transparent object carrier for optical microscopy, with a carrier side for the microscopy object and a visible linear grid (8) for its review, characterized in that the linear grid (8) is formed on a film (7) that is mounted on the side of the object carrier facing away from the object.
2. Object carrier per Claim 1, characterized in that the film (7) is adhered to the object carrier frictionally, electrostatically, and/or adhesively.
3. Object carrier per Claim 1 or 2, characterized in that the film (7) is formed as a self-adhering film and is preferably removable from a supply roll as a multi-layer film by tearing.
4. Object carrier per one of Claims 1 through 3, characterized in that the film (7) preferably consists of a transparent plastic.
5. Object carrier per one of Claims 1 through 4, characterized in that the thermal expansion coefficient of the film (7) is matched to that of the object carrier.
6. Object carrier per one of Claims 1 through 5, characterized in that the object carrier is of glass or plastic, and is preferably implemented as a single-use object carrier.
7. Object carrier per one of Claims 1 through 6, characterized in that the object carrier is formed as a vessel to accept the microscopy object.
8. Use of a film possessing a linear grid to produce a transparent object carrier per one of Claims 1 through 7.

Two pages of Figures.

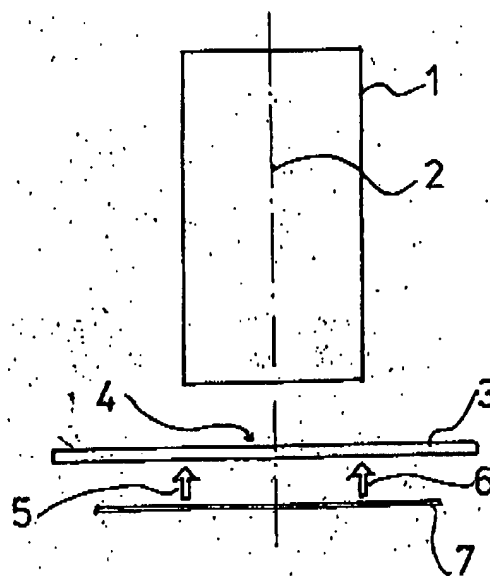


FIG.1

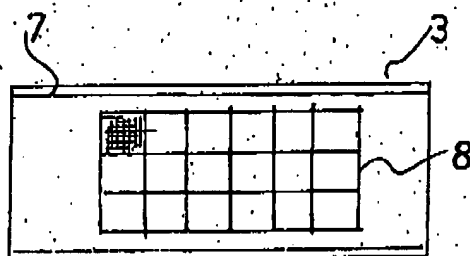


FIG.2

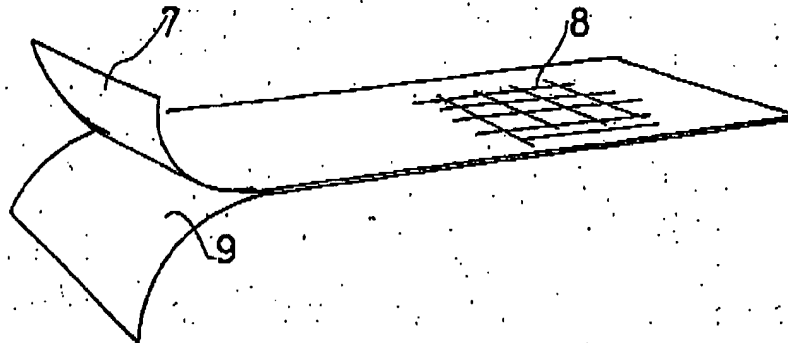


FIG. 3

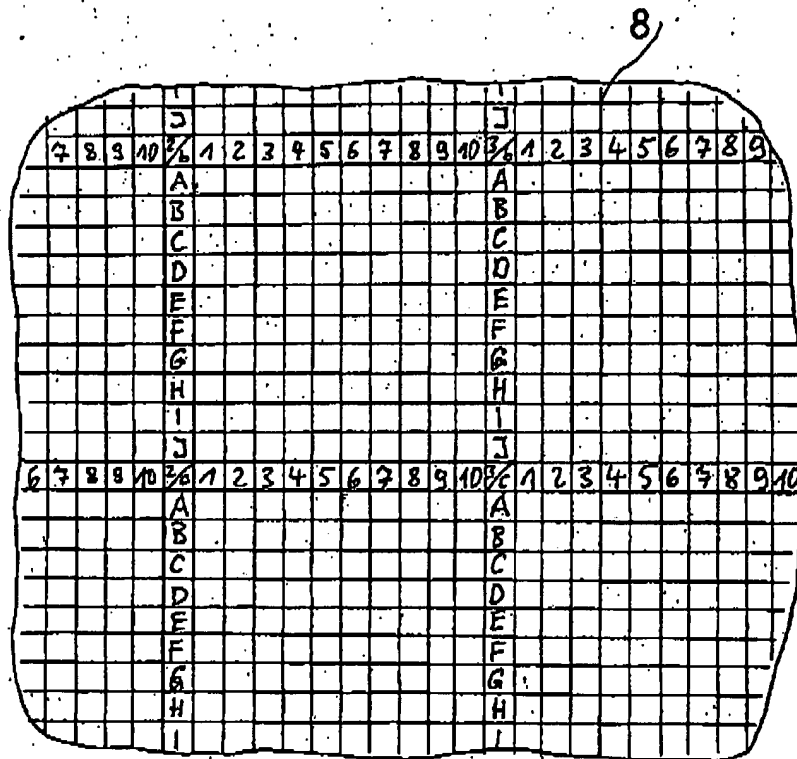


FIG. 4